

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

SONDRA HUBBARD,)	
SHAYNE HUBBARD,)	
RYLEE SPALL,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:24-cv-00103-TWP-KMB
)	
THE CITY OF BEDFORD, INDIANA,)	
BRENT THOMPKINS,)	
NICK CRULO,)	
CLAY BLACKBURN,)	
TOBY GERKIN,)	
)	
Defendants.)	

ORDER DENYING PLAINTIFFS'
MOTION FOR PRELIMINARY DETERMINATION OF LAW

On May 27, 2025, the Court scheduled this case for an in-person Settlement Conference with the undersigned to occur at the Indianapolis courthouse on August 27, 2025. [Dkt. 47.] The date for this Settlement Conference was agreed upon by counsel after a Telephonic Status Conference with the Court. Under the current Case Management Plan deadlines, the non-expert/liability discovery deadline in this case is October 6, 2025, and the dispositive motions deadline is November 5, 2025. [Dkt. 45.]

On August 18, 2025—nine days before the scheduled Settlement Conference—Plaintiffs filed a Motion for Preliminary Determination of Law. [Dkt. 59.] Plaintiffs' Motion states as follows:

During preliminary discussions with Defendants' counsel, the undersigned has been presented with an issue which she believes may pose a substantial burden towards settlement during the August 27th conference. Specifically, Defendants' counsel has argued that Plaintiffs' damages are limited to \$300,000. This is an incorrect statement of law as Plaintiffs are clearly requesting damages under both Indiana's

Wrongful Death Statute (IWDS) and Section 1983. . . . For the purpose of judicial economy, Plaintiffs believe that it is necessary that this Court make a preliminary determination on this narrow legal issue prior to the settlement conference so that the parties may approach the issue of damages with clarity.

[*Id.* at 3.] For these reasons, "Plaintiffs request that this Court issue a preliminary determination of law before the August 27th settlement conference stating that there is no limitation on the damages that Plaintiffs may pursue under Section 1983." [*Id.* at 7.] Plaintiffs represent that Defendants' position on the Motion is unknown. [*Id.*]

Magistrate judges in this District try to help parties in cases resolve their disputes if possible via settlement and, thus, frequently conduct settlement conferences. Although the undersigned conducts approximately 80 settlement conferences per year, this is the first time she recalls receiving a request of this nature. There is always uncertainty at a settlement conference about how the Court or a jury will resolve issues in a case if it continues to proceed. In fact, one of the benefits of parties agreeing to terms that will resolve the case is that those parties gain certainty about exactly how and when the case will resolve. Plaintiffs' unconventional motion must be denied not only because it cites nothing from the Federal Rules of Civil Procedure to support its request for a "preliminary determination of law" at this stage of the proceedings, but also because the timing of the motion does not allow for the issue to be briefed and the Court to rule ahead of next week's Settlement Conference.

For these reasons, the Court **DENIES** Plaintiffs' Motion for Preliminary Determination of Law. [Dkt. 59.] The Court **ORDERS** counsel to meet and confer and file a joint report **no later than August 25, 2025**, stating whether they still believe the Settlement Conference as scheduled is well timed to be productive. The undersigned emphasizes that while the goal of the Settlement Conference is to resolve the case in full, a settlement conference can still be productive even if it does not result in an agreement on settlement terms at that time.

SO ORDERED.

Date: 8/22/2025



Kellie M. Barr
United States Magistrate Judge
Southern District of Indiana

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